

THE CHAIRMAN: Any further questions? Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: One final question. Do you say that if the State entered into this type activity it would really give the State a bad reputation and also add more special problems to the State. This is what you are really saying.

DELEGATE SHERBOW: Without question, I think that is so.

THE CHAIRMAN: Any further questions of the Committee Chairman for purpose of clarification? Delegate Harry Taylor.

DELEGATE H. TAYLOR: Judge Sherbow, I have a question. In Southern Maryland where I live, bingo is very popular among some of our churches there. In fact, so much so, the congregation on bingo night is usually a lot larger than it is at Sunday morning services. We also have fire departments that depend to a great extent on bingo to supplement the income they get from the county and the State. I am worried and I think many here are now although you made the intent of your Committee very clear that somehow the Court of Appeals or someone else is going to say that bingo is a lottery and we are going to be in trouble on this provision.

I do not know whether Style and Drafting can do anything about this, but I think what we want is for this provision to say we do not want lotteries but this does not include bingo.

It may be that the simple answer to it, I ask you this question, you say the present provision says that the General Assembly may not grant. If we make an amendment to that and say or any local subdivision shall not grant, we might be able to solve the problem and make this absolutely clear and get to a vote.

DELEGATE SHERBOW: Are you suggesting, Delegate Taylor, that instead of the present proposal that we adopt now literally the present Constitution "no lottery grant shall ever hereafter by authorized by the General Assembly" and add to it "or any political subdivision of the state"? I myself would be willing to accept that. I do not know whether the members of the committee who voted in the affirmative would.

THE CHAIRMAN: I take it Delegate Taylor's suggestion would also be satisfied simply by changing the word "sanctioned" in line 9 to the word "granted," is that correct, Delegate Taylor?

DELEGATE H. TAYLOR: Yes, Mr. Chairman.

DELEGATE SHERBOW: I would accept that definition instead of "lottery shall not be sanctioned", change the words to "lotteries shall not be granted".

THE CHAIRMAN: Delegate Harry Taylor.

DELEGATE H. TAYLOR: I am willing to do whatever I must to see that this is done.

DELEGATE SHERBOW: I would ask it —

THE CHAIRMAN: This is not the time to offer amendments. You have that opportunity later. You have asked the question and Delegate Sherbow has indicated that at the proper time he would not oppose such amendment. You will have to wait until then.

DELEGATE SHERBOW: Mr. Chairman, I have been handed here in answer to some of the questions page H-8029 of the Congressional Record of the House of June 26, 1967, dealing with the question which has been asked by some people as to whether or not the numbers racket is stamped out by lottery.

A statement from Mr. Patman. Headline reads: Numbers Racket Flourishes Amid The New York Lottery. I will just read briefly one statement from the New York Times of June 22, 1967. "Betting on numbers is holding its own despite the lottery. We welcome the lottery, a policy gambling operator said yesterday. Numbers players have not quit us because they now realize our odds are better, we pay off immediately and there is no waiting and furthermore no winner has to worry about paying income taxes." That's from the Congressional Record.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Judge Sherbow, I believe that "sanctioned" is a word which is capable of duplicitous definition and I wonder whether or not you would seek some other word besides sanctioned or grant because it would seem to me you want to try to do two things in this particular language. One is you want to disallow the State and its political subdivisions from operating a lottery itself and you want to prohibit them from allowing others to do so, others in the nongovernmental sphere.

DELEGATE SHERBOW: Delegate Gallagher, I believe the word "authorized"